

DECLARATION OF GERALD ARMSTRONG

2
3 I, Gerald Armstrong, declare:
4

5 1. I am making this declaration in support of an
6 opposition to plaintiff organization's motion for summary
7 adjudication.
8

9 2. The organization's motion deals with a serious
10 issue, one which affects the life of potentially thousands of
11 individuals, and one which has become for me emotionally
12 devastating and mind-altering, in a manner which is illogical
13 and perverse. The realization that the people behind this
14 motion and behind all the pc file violations; that is, the
15 attorneys and the few who control organization money, will stop
16 at nothing, no lie, or perversion of reality, no act, to, as
17 Hubbard ordered, ruin me utterly, has some time ago gone far
18 beyond a passing thought.
19

20 3. Mr. Peterson's argument in the summary adjudication
21 motion is that "by 1978 (I) knew, or reasonably should have
22 known" about the violations of my pc files, and that because my
23 cross-complaint was filed in September 1982, my causes of action
24 for fraud, intentional infliction of emotional distress and
25 breach of contract as they relate to the organization's
26 violations of my pc files are barred by applicable statutes of
27 limitation. Mr. Peterson twists what I knew in 1978 with what I
28 knew in the fall of 1981 and what I learned subsequently. The

1 whole statute of limitations argument is rendered ludicrous,
2 however, by the fact that the organization and its attorneys
3 have continued both the fraud of promised sanctity of pc files
4 and violation thereof right up to the present time. Attached
5 hereto as Exhibit A is a copy of the organization's "objection
6 to release of preclear files "dated July 3, 1986 filed with this
7 Court. At p. 2 of this document, organization attorney Donald
8 Randolph states: "only within the last few weeks have these
9 files been copied, indexed and reviewed by counsel." Mr.
10 Randolph included in the "objection" several pages of statements
11 he gloats were culled from my pc files. I have blacked out
12 these statements in the document copy attached.

13
14 4. Attached hereto as Exhibit B is a copy of a
15 declaration dated December 18, 1983 which I wrote to support a
16 motion to get my pc files delivered to me. At p. 8 I state, "I
17 do not waive the (priest-penitent) privilege, and in fact I
18 insist upon it." In a demonstration of the organizations's
19 malevolent intent, Mr. Randolph asks this Court a p. 5 of the
20 "objection" to "require Armstrong and his counsel to provide a
21 waiver of the priest-penitent privilege." To veil the
22 organization's antisocial acts with an illusion of legitimacy,
23 Mr. Randolph states at p. 6 of the "objection" that if I even
24 obtain copies of my pc files (part of which I do now have) the
25 organization "will be forced against its wishes, to utilize the
26 same documentation in its defense as evidence of Armstrong's
27 character and perjurious statements." This is blackmail. And
28 it is the clearest proof of the sanctity fraud, the

1 organization's actual policy regarding use of "confidential" pc
2 file information against the pc, and the basic fraud of Hubbard
3 and his creation.

4
5 5. Attached hereto as Exhibit C is a declaration dated
6 July 14, 1985 written by Frank K. Flinn, B.D., Ph.D., the
7 organization's "religious expert." This declaration was filed
8 in this case along with the organization's "response," of July
9 30, 1985 to the Court's July 2, 1985 Discovery Order. At
10 pp. 18-20, Dr. Flinn compares Scientology's policies and
11 practices regarding the "sanctity" of pre-clear files with those
12 of other "religions."

13
14 "Another religious practice of the Church of
15 Scientology which has come under scrutiny is the issue
16 of the confidentiality exercised with respect to the
17 auditing records of members and especially of the
18 "pre-clear files" of upper-level church members. I
19 find the practice of the Church of Scientology in this
20 regard fully in keeping with the practices of other
21 religions.

22
23 In general, there are two fundamental reasons why
24 churches, including the Church of Scientology, seek
25 confidentiality with regard to unauthorized examination
26 of spiritual records. The first is to preserve the
27 sanctity of the spiritual privacy of the believer.

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1 In regard to the first reason, the spiritual privacy
2 of the believer, Scientology is like every religion
3 known to me. The Roman Catholic Church protects the
4 priest-penitent relationship with the severest of
5 sanctions, including dismissal from priestly office and
6 expulsion from the Church itself. Upon ordination
7 priests take an oath of the "confessional seal" before
8 they are allowed to hear the confession of sins and
9 administer official spiritual counselling. My pastor,
10 a Monsignor in the Roman Catholic Church, has testified
11 to me that he would undergo imprisonment and death
12 before revealing the contents of any confession,
13 whether this revelation was demanded by the President
14 of the United States or by the Pope of Rome.

15

16 Abuse of the archive and unauthorized divulging of
17 information can bring severe penalties, including
18 demotion from office, penances and even
19 excommunication.

20 Most Protestant denominations have similar regulations
21 and penalties in their respective church polities.
22 Likewise Scientology has codes of conduct for auditors
23 and other officials regarding authorized files. The
24 Church does not allow any outsider access to a
25 parishioner's files as a matter of priest-penitent
26 privilege, as is the case with other churches.
27 Confidentiality of this type of material touches on the
28 nerve center of religion itself. The historical record

1 shows that no church lightly suffers the intrusion into
2 such records by the government or any other outside
3 agency. The history of the Reign of Terror in France
4 reveals the great number of priests who went to the
5 guillotine rather than break the confessional seal."
6

7 Neither the President, the Pope, this Court nor anyone
8 other than the organizations' leaders and attorneys ordered the
9 violations of the "sanctity" of my pc files. These leaders and
10 the attorneys reveal a radically different standard of conduct
11 and ethics from that of the ministers of "other religions" who
12 went to the guillotine rather than divulge the confessions of
13 their preclears.
14

15 6. Attached hereto as Exhibit D is a declaration
16 signed by Reverend Ken Hoden, "president" of one of the new
17 "corporations" "divested" recently by the "California"
18 organization. This declaration was also filed in this case with
19 the "response" to the July 2, 1985 Discovery Order.
20

21 Mr. Hoden states at par. 3:

22 "Materials and information stored or recorded within
23 the confessional folders (PC folders) are confidential
24 and privileged. Our religious doctrine prohibits any
25 parishioner or person receiving pastoral counselling
26 (auditing) from viewing the contents of their folders.
27 Our religious doctrines also prohibit any external
28 dissemination of preclear folders. Even our attorneys

1 are forbidden to review these folders. The only people
2 who are allowed to view the pastoral counselling
3 folders are authorized Church ministers.

4 Yet, my pc files were given to attorneys, culled and
5 used against me. Mr. Randolph even defines the statements he
6 culled from my "confidential" pc files "as admissions against
7 Armstrong's interest." It is clear that the defense the
8 organization's attorneys have desperately devised to their
9 inhuman and criminal actions is the threatened divulgence of the
10 materials culled from my pc files and my resultant hoped and
11 worked for emotional disintegration. The filing of the culled
12 statements "under seal" is a cheap attempt to give an appearance
13 of morality to the organization's perfidious act. Dozens of
14 organization attorneys, staff members, and attorney staff have
15 seen the culled statements. They were placed in front of the
16 Judge in this case, the individual who can most affect the
17 outcome of this case and the rest of my life. Several of the
18 incidents "culled" from my pc files as "admissions" never
19 happened. Mr. Randolph and whoever helped him, in their
20 ignorance of auditing and recklessness, have apparently culled
21 imaginary "past life" incidents or have created the incidents
22 out of whole cloth. For several other incidents, Mr. Randolph's
23 interpretation is twisted beyond recognition. When he states at
24 p. 2 that "the Church still maintains that the sanctity of the
25 confessional must be placed above all other concerns," he lays
26 to rest Mr. Peterson's statute of limitations argument because
27 he shows that the fraud is continuing. The organization
28 is still claiming out of one side of its mouth that

1 the sanctity of pc files is its paramount concern while out the
2 other side it spits its victims' innermost thoughts and secrets
3 and when these treacherously obtained and used thoughts and
4 secrets are not sufficiently juicy to achieve the organization's
5 black PR ends, it has someone fabricate them.

6
7 7. At p. 8 of the summary adjudication motion Mr.
8 Peterson states:

9 "The only way Armstrong can avoid the bar of the
10 statute of limitations is by proving that he did not
11 and could not have discovered the events alleged in his
12 Cross Complaint any earlier than he did."

13 As has already been shown the culling of my files
14 admitted to by the organization occurred in 1986 and I only
15 learned of this fact in July this year, almost four years after
16 the filing of the cross-complaint. Attached hereto as Exhibit E
17 is a page from what the organization produced as my "B-1 time
18 track." The entry at April 7, 1980 is taken from my pc files
19 (in session). I only learned of this culling in March 1985 when
20 the organization produced some B-1 materials in the
21 Christofferson case in Oregon. Even using the organization's
22 date for the culled incident of April 7, 1980, this is two years
23 after the 1978 date Mr. Peterson would like the Court to use.
24 And when I learned of this culling is two and half years after
25 the filing of the cross-complaint. Attached hereto as Exhibit F
26 is a document entitled "Gerry Armstrong Project" dated February
27 17, 1982. Step 2 reads:

28 "Go through his files and folders to extract the names

1 of people who knew him and who are still well connected
2 up and completely trustworthy. Interview these people
3 to find out who Gerry's close friends were and to see
4 if he had any relatives in this area (we could then
5 follow up to see if he might be staying with them).

6 This is the use of my pc files for intelligence data to be used
7 against me. Attached hereto as Exhibit G is a "daily report
8 dated February 22, 1982, from Assistant Guardian for
9 Intelligence (AGI), Brad Ballentine to his organizational
10 seniors at GOUS. He states in the fourth paragraph:

11 "SU (Special Unit, the name for the Gilman Hotspring
12 compound) and Flag (the Clearwater, Florida base) have
13 sent us all their files on him (Armstrong)."

14 "Us" is the GO intelligence bureau. I only learned of
15 this transmission of my pc files to the organization's
16 intelligence bureau and this use to which they were then put in
17 March 1985, again two and half years after the filing of the
18 cross-complaint. Attached hereto as Exhibit H is a declaration
19 dated May 7, 1985 written by me in support of efforts to obtain
20 my pc files from the organization, and prevent its continued
21 violations of them. In paragraphs 5 through 9 I describe an
22 organization intelligence operation involving the use of my pc
23 files to entrap me. Much of the operation occurred in 1984,
24 some six years after Mr. Peterson claims I should have known
25 about it. I only became aware of the operation in April 1985
26 when organization attorneys used its product to attack me in the
27 Christofferson case. It's perhaps unfortunate for the
28 organization that it gave my pc files to the intelligence bureau

1 for culling and intelligence purposes in 1982, used
2 them to set up the illegal videotaping of me in 1984,
3 and again culled my files to concoct the "objection
4 to release of preclear files" in 1986, since in so
5 doing it lost any shot it may have had at obtaining a
6 summary adjudication based on the statutes of
7 limitations. The organization's misfortune cannot
8 begin, however, to compare with the pain and anguish
9 it subjected me to with these acts. If the
10 organization had acted decently, and not violated
11 either overtly or covertly, my pc files, the
12 situation today might be quite different.

13
14 8. Even without considering the pc file violations
15 after I left the organization in 1981 or even back
16 into the 1970's, the summary adjudication motion
17 still falls because I had been rendered by the
18 organization and Hubbard, until I began to come to my
19 senses in late 1981, something different from "a
20 reasonably prudent person." Mr. Peterson has
21 selected statements from some of my response to
22 interrogatories as "admissions against (my) own
23 interest" to show that I learned of the culling in
24 the 1970's while in the organization. From the same
25 responses used by Mr. Peterson, attached to his
26 motion as Exhibit A, I have excerpted the following
27 three statements by me which show why a reasonably

28 ////

1 prudent person perceiving the same tip of the pc file violation
2 iceberg that I did in the 1970s would or should have fled in
3 disgust and filed suit for the fraud and related crimes and torts,
4 and why I could not.

5 P.6 "In 1976 while locked up and guarded by the
6 Guardian's Office on the orders of L. Ron Hubbard, I was
7 told that my auditing reports were being gone through by
8 GO staff. Had I protested this action, I would have
9 remained locked up indefinitely. I had no control of my
10 preclear folders, nor any control of those who had
11 access to them. My will was broken by this time, and I
12 was effectively controlled and manipulated by L. Ron
13 Hubbard and the organization.

14 In 1976 through through December of 1977, I was
15 assigned to and kept on the RPF by L. Ron Hubbard and
16 those under his control. A system of control and
17 deprivation was exerted over me throughout this period
18 and a campaign of harassment and terror was directed
19 against me and the RPF as ordered by Hubbard.

20

21 P.9 "If I had known of the existence of this policy
22 (GO 121669) and the practice of disclosure of
23 "confidential" session information, I would never have
24 become involved with Scientology. I was brought along
25 as far as I went with the organization by the
26 systematic trickery and manipulation by L. Ron Hubbard
27 and the organization.

28

1 P.23 "I spent from July 1, 1976 to December 1, 1977 on
2 the RPF on Hubbard's order. I was humiliated, degraded,
3 terrorized and defrauded by Hubbard during this period.
4 I underwent tremendous emotional trauma and lost self
5 respect and rationality.

6 The proof of the mind manipulation run by Hubbard and the
7 organization is that I stayed so long after so much degradation
8 and betrayal. Only in late 1981 when I spotted Hubbard as the
9 source of the fraud and the organization's antisocial conduct, and
10 after leaving the organization when the control mechanisms began
11 to fall away, did I become aware of the criminal significance of
12 pc file culling and the fraud which makes it possible.

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14 9. Hubbard also used the auditing process itself, by
15 which he claimed to be freeing people, to subtly program them to
16 not even think a critical thought about the deplorable conditions
17 in which they were kept, including a questioning of auditing or
18 the pc file violations which might be observed or heard about.
19 During any auditing session, if the preclear makes any critical
20 comment, the auditor will immediately demand of the preclear any
21 "overt", that is any misdeed, crime or intentionally harmful act,
22 he has committed. In Hubbard's system, any criticism meant that
23 the person making it had a hidden undisclosed crime. One of his
24 bulletins, "Session Must-nots," attached hereto as Exhibit I,
25 states this point:

26 "When a pc is critical of the auditor, the organization
27 or any of the many things in life, this is always a
28 symptom of overts priorly committed by the pc.

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This is a sweeping fully embracive statement - and a true one. There are no criticisms in the absence of overts committed earlier by the pc.

Very soon after some auditing in the Sea Organization I learned that any criticism I had meant I had done something bad, and after a while I even was stopped from thinking any thought critical of Hubbard or the organization. In Hubbard's dictionary of Scientology terms, a "critical thought" in fact is defined as "a symptom of an overt act having been committed." The page from the dictionary is attached hereto as Exhibit J. This concept, although programmed into people in auditing, pervaded every part or aspect of the organization. So the criticisms of a staff member about Hubbard's or the GO's practices, and specifically pc file violations, were not listened to; rather he would be investigated or sec checked for his "crimes." By contrast, however, it could never be thought that Hubbard, who was constantly critical of doctors, judges, scientists, psychologists, government, teachers, and especially Scientologists and Sea Org members, had himself committed crimes or overts, because such a thought about him was clearly "critical." Thus he achieved almost absolute mind control.

10. Beginning at page 10 of the summary adjudication motion, Mr. Peterson makes a confusing argument that:

"Armstrong is barred by Statute of Limitations from asserting Scientology's religious status, and auditing benefits as "misrepresentations" as Armstrong had a

1 duty to investigate these "facts" more than 3 years
2 prior to date of cross-complaint.

3 Mr. Peterson further states at p. 14:

4 "Clearly, if Armstrong is to be believed, he was aware
5 of what he terms the scientific non-religious nature
6 of Scientology no later than 1975.

7 How that helps the organization's position is baffling. It is
8 the basis of the whole Hubbardian fraud. It was Hubbard's
9 scientific guarantees for auditing and Scientology which were the
10 lure into the organization. Even the promise of auditing
11 confidentiality was given in scientific terms and differentiated
12 from "religious confessions" which Hubbard claimed had
13 degenerated into "a kind of blackmail." In his bulletin of
14 January 21, 1960, attached hereto as Exhibit K he stated:

15 "Some churches used a mechanism of confession. This
16 was a limited effort to relieve a person of his overt
17 acts. Later the mechanism of confession was employed
18 as a kind of blackmail by which increased contribution
19 could be obtained from the person confessing. Factually
20 this is a limited mechanism to such an extent that it
21 can be extremely dangerous. Religious confession does
22 not carry with it any real stress of responsibility
23 for the individual but on the contrary seeks to lay
24 responsibility at the door of the Divinity -- a sort of
25 blasphemy in itself. I have no axe to grind here with
26 religion. Religion as religion is fairly natural. But
27 psychotherapy must be in itself a completed fact or, as
28 we all know, it can become a dangerous fact.

1 Hubbard goes on in the same bulletin to ask auditors to "make
2 your pc write these overts and withholds down and sign them and
3 send them off to me." His motivation for this policy is not
4 altruistic, and it only became clear to me in 1981.

5 The other part of Mr. Peterson's argument is that since
6 I had some doubts in my early Scientology years I had a duty from
7 that point to investigate. Mr. Peterson includes in the testimony
8 from the trial in the underlying case, however, at p. 15 of the
9 motion my statement of what happened when I did question the fact
10 that the auditing I had had did not resolve what I considered
11 the essential problem: "I was told after doing the auditing steps
12 that that would only happen at Clear." And "clear" only happened
13 around 1979, and that did not produce the promised results of
14 auditing, but I was told these would happen at another "higher
15 level" called OT III. In other words an aspect of the continuing
16 fraud was bait and switch.

17 Attached hereto as Exhibit L is a policy written by
18 Hubbard dated February 25, 1966 entitled "Attacks on Scientology"
19 wherein he orders:

20 "NEVER agree to an investigation of Scientology. ONLY
21 agree to an investigation of the attackers."

22 The investigation Mr. Peterson is seeking to convince the Court
23 I had a duty to make was impossible. In fact I did something
24 of an investigation in 1980 and 1981 when it was somewhat
25 possible and the results of the investigation were a major factor
26 in my leaving the organization and Hubbard.

27 11. Mr. Peterson claims at p. 16 of the motion that the
28 intentional infliction of emotional distress cause of action is

1 barred by the statute of limitations in regards to the pc file
2 violations since I was emotionally distressed in 1976 and 1977
3 while I was locked, in the RPF and generally being manipulated
4 and degraded on a daily basis by the organization on Hubbard's
5 orders. Mr. Peterson's argument is hollow since culling of my
6 files occurred as well, as has been shown above, in the 1980s and
7 as recently as July this year. The emotional distress I have
8 experienced from the 1986 culling alone is beyond description.
9 Mr. Peterson's argument that I am barred by the statute of
10 limitations because of my knowledge in the 1970s that pc file
11 culling occurred is like telling a victim of years of abuse that
12 he or she cannot do anything about it because the abuse has gone
13 on so long.

14 Interrogatory no. 16, the response to which Mr.
15 Peterson has quoted from at p. 17, states:

16 "With regard to the second cause of action of your first
17 amended cross-complaint for damages for alleged
18 intentional infliction of emotional distress against
19 cross-defendants Scientology and Hubbard, to the extent
20 you have not done so, in response to the above
21 interrogatory, provide the following factual basis for
22 such cause of action:

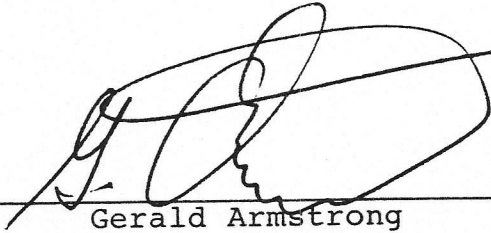
23 A. The specific and full factual basis for all the
24 allegations contained in said cause of action.

25 Mr. Peterson's assumption that the date that I "first suffered
26 severe emotional distress as a consequence" of realizing the
27 organization had and would reveal my innermost thoughts and secrets,
28 "by 1977" is erroneous. And the conclusion, at p. 18 of the

1 motion, that "Armstrong had knowledge of what he contends were all
2 the above referenced breaches of the so-called contract no later
3 than December 1, 1977," and at p. 8 that "(i)n reality,
4 Armstrong has not testified that he knew anything in the Fall of
5 1981 that he had not already known as of 1978, by the latest"
6 omit any reference to and attempt to slip by the whole biography
7 project, Hubbard's archives and the underlying case which the
8 organization brought.

9 I declare under penalty of perjury under the laws of
10 the State of California that the foregoing is true and correct.

11 Executed this first day of November, 1986 at Boston,
12 Massachusetts.

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16 Gerald Armstrong

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing

and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner a of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on, 19, at California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT

(other than summons and complaint)

Received copy of document described as

on 19.

Type or Print Name

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of LOS ANGELES, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 5855 Topanga Canyon Blvd., Ste. 400, Woodland Hills CA 91367

On Nov. 5 19 86, I served the foregoing document described as OPPOSITION OF CROSS-COMPLAINANT, GERALD ARMSTRONG TO MOTION FOR SUMMARY ADJUCATION OF ISSUES; MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT THEREOF; DECLARATION OF GERALD ARMSTRONG

on the parties

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

JOHN G. PETERSON, ESQ. DONALD C. RANDOLPH, ESQ. Robert Geller, Esq
PETERSON & BRYNAN OVERLAND, BERKE, WESLEY, GELLER & WEINBERG
8530 Wilshire Blvd. #407 GITS, RANDOLPH & LEVANAS 80 Boylston Street
Beverly Hills CA 90211 2566 Overland Ave., 7th Fl. Boston, Massachusetts 02116
Los Angeles CA 90064

(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Woodland Hills, California.

Executed on November 5, 19 86, at Woodland Hills, California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on, 19, at, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

PAMELA J. RUCKER

Type or Print Name

Signature